

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated July 16, 2004. A Petition for Extension of Time (one month) and the fee therefor are enclosed.

Preliminarily, the applicant notes minor changes to the specification and claims which are intended to improve the readability thereof and are not in any way related to patentability. The Examiner is respectfully requested to review, approve and enter the amendments to the specification and claims herein.

Substantively, claims 1-2 and 7-9 stand rejected on grounds of obviousness over Iizuka (6,686,960), in view of the applicant's "Prior Art" and Kelly, 3<sup>rd</sup>, et. al. (4,730,213). Further, claims 14-16 are being rejected on grounds of obviousness over the aforementioned citations, in further view of Watanabe (5,420,629). Reconsideration is requested in view of the following remarks.

Preliminarily, the applicant respectfully disputes the characterization of the entire text set forth under the caption "BACKGROUND OF THE INVENTION" as constituting "Admitted Prior Art", except to the extent where applicant explicitly admits that a particular structure or functionality has been known prior to the instant invention. Otherwise, the Office Action should not make that assumption. For example, beginning at page 3, line 16, reference is made to "conventional publications" that describe certain consequences of adding charges together as regards sensitivity.

However, the comment made in the BACKGROUND section of the specification that addresses difficulties or disadvantages in either adding up charges within or without the actual CCD cannot be deemed to constitute "Admitted Prior Art", absent the Examiner's citation of prior art that explicitly discloses recognition of that problem and the solution thereof.

The applicant notes the indication that claims 3-6 and 10-13 are directed to patentable subject matter. The applicant has amended the claims commensurate therewith, and respectfully submits that all the remaining claims contain subject matter indicated to be allowable.

Turning to the claims, it is noted that newly presented claim 17 represents the combination of originally presented claim 1 and allowable, dependent claim 3. Although claim 2 is not included in claim 17, it is clear from the Office Action that the combination with the

subject matter of claim 3 is responsible for the allowance. Claims 1 and 3 have been canceled. Claims 4 and 5 are now dependent on allowable claim 17. Claim 6 has been canceled.

Allowable claim 10 has now been rendered in independent form and is presented as new claim 18. Claims 7-10 have been canceled. Claims 11 and 12 are now dependent on allowable claim 18. Claim 13 has been canceled.

Although claim 14 has been rejected, it is noted that the claim now includes an "exposure control means" which substantially corresponds to the similar element in allowable claim 13. Therefore, claim 14 should be formally allowed, together with its dependent claims 15 and 16.

Given the foregoing amendments, it is not necessary to discuss any of the applied prior art. As such, prompt allowance of the presently pending claims in the application is earnestly solicited.

Therefore, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 9, 2004:

Max Moskowitz

Name of applicant, assignee or  
Registered Representative

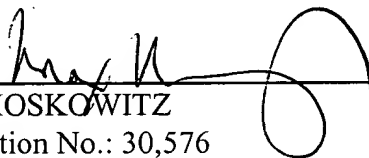


Signature

November 9, 2004

Date of Signature

Respectfully submitted,



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